

Message Text

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ACTION IO-13

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FOR: L/SCHWEBEL, EB/OIA KAUZLARICH, TRES/CLAPP, COMM/ARRILL

E.O. 11652: N/A
TAGS: EINV, UN, AID
SUBJECT: THIRD SESSION OF UN COMMISSION ON TRANSNATIONAL
CORPORATIONS (UNTNC) - APRIL 28 & 29, 1977 MEETINGS.

REF: A) USUN 1299; B) E/C.10/26; C) E/C.10/27;
D) E/C.10/28, PLUS ADD.1&2.

1. SUMMARY: UNTNC COMPLETED EXCHANGE OF VIEWS ON TECHNICAL
COOPERATION (AGENDA ITEM 6) AND HELD RELATIVELY BRIEF DISCUSSION
ON CORRUPT PRACTICES (ITEM 8). DISCUSSION OF EFFECTS OF
TNC OPERATIONS AND PRACTICES (ITEM 7) EXCLUDED, AT AFRICA RE-
QUEST, EXCHANGE OF VIEWS ON TNCS IN SOUTHERN AFRICA WHICH WILL
BE TAKEN UP ON MONDAY, MAY 2. AS EXPECTED, ISSUE OF UN IN-
FORMATION GATHERING ON TNCS AND ESTABLISHMENT OF COMPREHEN-
SIVE DATA SYSTEM (ITEM 9) HIGHLY CONTROVERSIAL. COMMENTS BY
DELEGATES, PROFOUND PERSONS AND OTHER INTERESTED GROUPS RE-
FLECTED WIDELY CONFLICTING ATTITUDES BUT WERE GENERALLY CON-
STRUCTIVE AND RESTRAINED ALTHOUGH SOCIALIST COUNTRIES CON-
TINUED RELATIVELY PRO FORMA ATTEMPT OF POLITICIZE ISSUES.

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NON-CONFRONTATIONAL ATMOSPHERE CONTINUED. MIAN QUADRUD-DIN
(PAKISTAN) WAS ELECTED THIRD VICE-CHAIRMAN. END SUMMARY.

2. TECHNICAL COOPERATION. (REF. A). IN RESPONSE TO EAR-
LIER QUESTIONS, WAHID H. TARZI, DIRECTOR, UN RECRUITMENT
DIVISION, EXPLAINED UN RECRUITMENT POLICIES FOR TECHNICAL
ASSISTANCE PROGRAM AND SECRETARIAT'S OWN NEEDS. NOTING

THAT HIS OFFICE MAINTAINS COMPUTERIZED ROSTER OF SOME 5,000 EXPERTS FROM 131 COUNTRIES, TARZI UNDERLINED UN'S SUCCESSFUL AND CONTINUING ATTEMPT TO INCLUDE INCREASING NUMBER OF APPLICANTS FROM LDCS AND AGREED TO PREPARE FULL REPORT ON UN RECRUITMENT FOR DISTRIBUTION TO MEMBER COUNTRIES.

3. CENTRE RESEARCH ON EFFECT OF TNC OPERATIONS: AT REQUEST OF SOME AFRICAN STATES, AMONG THEM NIGERIA, UNTNC POSTPONED UNTIL MONDAY, MAY 2, DISCUSSION OF CENTRE REPORT ON TNC ACTIVITIES IN SOUTHERN AFRICA (REF. B)). EXCHANGE OF VIEWS, THEREFORE, LIMITED TO OVERALL ASSESSMENT OF CENTRE'S CURRENT RESEARCH PROGRAM RELATING TO TNC IMPACT ON HOST COUNTRIES, PARTICULARLY LDCS.

4. SPEAKERS GENERALLY PLEASED WITH QUALITY OF CENTRE'S WORK IN PREPARATION OF CURRENT SESSION ALTHOUGH DISSATISFACTION WAS AGAIN EXPRESSED AS TO LATE AVAILABILITY OF DOCUMENTS. THERE WAS GENERAL CONCERN OVER CENTRE'S EXTENSIVE RESEARCH PROGRAM, WHICH WAS DESCRIBED AS TOO AMBITIOUS IN LIGHT OF EXISTING TIME AND BUDGETARY LIMITATIONS. CENTRE WAS URGED TO CONCENTRATE PRIMARILY ON COMPLETION OF CURRENT PROJECTS IN AGREED PRIORITY AREAS, I.E., CODE OF CONDUCT AND TECHNICAL COOPERATION; TO COORDINATE ITS ACTIVITIES WITH OTHER UN AGENCIES WORKING ON TNC ISSUES; AND (ESPECIALLY BY US) TO TAKE FULL ACCOUNT OF EXISTING HIGH-QUALITY STUDIES AND FACILITIES OUTSIDE UN, IN VARIETY OF OFFICIAL (AS IBRD) AND PRIVATE ORGANIZATIONS. US DEL URGED COMPLETION OF CURRENT RESEARCH BE-

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FORE INITIATING FURTHER PROJECTS, STRESSING LIMIT TO ABILITY OF LDC GOVERNMENTS TO ABSORB AND USE VAST AMOUNT OF DATA ALREADY AVAILABLE. STRESSED NEED FOR EFFORTS TO HARMONIZE INTERNATIONAL DATA ON TNCs AND CALLED IT "GRAVE MISTAKE" TO ADDRESS BROAD QUESTION OF TNCs WITHOUT DISTINGUISHING AMONG SPECIFIC ACTIVITIES IN WHICH THEY ARE ENGAGED. COMMENT ALONG SAME LINES WERE MADE BY UK, FRG, NETHERLANDS, ITALY, FRANCE.

5. SEVERAL LDCs DEPLORED FAILURE OF INDUSTRIALIZED NATIONS TO PREVENT EXPORT OF CERTAIN CONSUMER GOODS WHICH THEY THEMSELVES CONSIDER DANGEROUS. STRESSED HOME GOVERNMENT RESPONSIBILITY TO INSIST ON PROPER PRODUCT LABELLING WARNING OF POSSIBLE HARMFUL EFFECTS TO USERS. IT WAS SUGGESTED THAT CENTRE STUDY INTERNATIONAL EFFORTS RE CONSUMER PROTECTION, INCLUDING INFORMATION ON LEGISLATION TO PREVENT SUCH ABUSES. US DEL DREW ATTENTION FACT THAT ON EXPORTS FINANCED BY AID ETC., US ALREADY ASKED SOME "ENVIRONMENTAL IMPACT" DATA.

6. SOCIALIST COUNTRIES USED OPPORTUNITY FOR USUAL ACRI-MONIOUS ATTACKS ON TNCS. SOVIETS, WHILE SUPPORTING VIEW THAT CENTRE'S WORK SHOULD TAKE PLACE WITHIN EXISTING RE-SOURCES, INSISTED THAT IT USE ITS "INTERNATIONAL AUTHORITY" BY WORKING TO CONTROL LARGELY NEGATIVE EFFECTS ON TNCS. ECHOING THESE REMARKS, EAST GERMAN REP. URGED CENTRE TO GIVE PRIORITY TO STUDIES ON MOST ADVERSE ASPECTS OF TNCS PARTICULARLY IN LDCS, INCLUDING ON THEIR POLITICAL, SOCIAL AND CULTURAL LIFE. US AND UK OBJECTED STRONGLY NOTING COMMISSION OBLIGATION TO TAKE BALANCE APPROACH AND EXAMINE POSITIVE CONTRIBUTIONS AS WELL AS HARMFUL EFFECTS OF TNCS.

5. RESPONDING TO REQUESTS FOR CLARIFICATION, CENTRE DEPUTY EXECUTIVE DIRECTOR, JIMENEZ DE LUCIO, NOTED HIS ORGANIZATION HAD THUS FAR UNDERTAKEN NINE STUDIES AND LIMITED OFFICIAL USE

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THAT EACH WAS IN ACCORDANCE WITH PRIORITIES SET BY UNTNC LAST YEAR. AN INTEGRATED STUDY ON TNCS WILL BE COMPLETED IN TIME FOR UNTNC'S 1978 SESSION.

8. PROFOUND PERSONS WERE ASKED TO REPLY TO WRITTEN REQUEST FROM FLOOR FOR ASSESSMENT OF COMPLETED CENTRE STUDIES AND SUGGESTION FOR FUTURE PROJECTS. ELIZABETH JAEGER, AFL-CIO (US) WAS NOT SURE HOW EFFECTIVE ANY STUDY ON IMPACT OF TNCS MIGHT BE SINCE RESEARCHERS TEND TO "LOOK FOR WHAT IS ALREADY KNOWN." SHE WARNED AGAINST CONTINUED STRESS ON SECTORAL ANALYSIS WHICH TOO OFTEN IGNORES EMPLOYMENT AND LABOR PROBLEMS. GERD TACKE, SIEMENS (FRG), WHILE SPEAKING OUT AGAINST COLLECTING HUGE VOLUME OF INFORMATION WITH NO SPECIFIC USE IN MIND, WELCOMED MORE EFFECTIVE RESEARCH SINCE "THE MORE IS KNOWN ABOUT TNC'S THE BETTER IT WILL BE FOR ALL PARTIES CONCERNED." MARIO SANFELICE, WORLD FEDERATION OF TRADE UNIONS (ITALY) THOUGHT IT USEFUL TO HAVE STUDIES NOT JUST ON DIRECT BUT ALSO INDIRECT EMPLOYMENT EFFECTS. I.D. IVANOV, SOVIET ACADEMY OF SCIENCES, SUGGESTED STUDIES FOCUS MORE ON POLITICAL ASPECTS, E.G., ABILITY OF TNCS TO OVERTHROW GOVERNMENTS AND DISRUPT MACHINERY FOR HOME AND HOST COUNTRY NEGOTIATIONS. IDENTIFIED INTERNATIONAL BANKS AS REAL CULPRITS WHO THROUGH CONTROL OVER, AND EQUITY PARTICIPATION IN, INDUSTRY CONTRIBUTE TO TNC "WRONGDOINGS."

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9. CORRUPT PRACTICES. DISCUSSION WAS BRIEF SINCE COMMISSION AGREED TO AWAIT CONCLUSION OF EFFORTS CURRENTLY UNDERWAY IN WORKING GROUP ON CORRUPT PRACTICES. VENEZUELA, SUPPORTED BY NIGERIA AND MEXICO, SUGGESTED ESTABLISHMENT OF ORGANIZATIONAL LINK BETWEEN UNTNC AND WG SINCE COMMISSION SHOULD BE PRINCIPAL BODY TO EXAMINE WORK LEADING TO SOLUTION OF ILLEGAL PAYMENTS PROBLEM. SOVIET REP. COMPLAINED THAT WG, BECAUSE OF SLOW WORK PROGRESS RESULTING IN MORE MEETINGS THAN ANTICIPATED, WAS DIVERGING UN RESOURCES FROM OTHER, MORE PRESSING PRIORITIES.

10. ESTABLISHMENT OF COMPREHENSIVE INFORMATION SYSTEMS. (REF. C, D, & E). MUCH TIME WAS SPENT ON THIS HIGHLY SENSITIVE AND CONTROVERSIAL SUBJECT. DISCUSSION INCLUDED PROGRESS REPORT OF CENTRE ON INITIAL PHASE OF DATA BANK ON TNCS, FEASIBILITY STUDY ON AVAILABILITY OF INFORMATION ON TNCS AND - PERIPHERALLY - WORK OF EXPERTS GROUP ON INTERNATIONAL STANDARDS OF ACCOUNTING AND REPORTING (REF. C).

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11. LENGTHY EXCHANGE OF VIEWS BROUGHT OUT BASICALLY DIFFERENT APPROACH OF DEVELOPED, DEVELOPING AND SOCIALIST COUNTRIES TO QUESTION OF INFORMATION GATHERING ON, AND DISCLOSURE REQUIREMENTS FOR, TNCS. UK AND OTHER EC MEMBERS, WITHOUT ACTUALLY REFERRING TO OECD CODE, SOUTH

INCLUSION OF ITS DISCLOSURE PROVISIONS, STRESSING MAINTENANCE OF BUSINESS CONFIDENTIALITY; EFFECTS OF DISCLOSURE ON COMPETITIVE POSITION OF TNCs AND RELATIVE COSTS OF COLLECTING, ANALYZING AND PROCESSING INFORMATION VERSUS ITS VALUE TO USERS. CENTRE WAS URGED TO SEEK ASSISTANCE OF GOVERNMENTS IN OBTAINING INFORMATION FROM FIRMS THROUGH QUESTIONNAIRES, WHILE INFORMING GOVERNMENTS OF DETAILS OF ITS APPROACH AND NAMES OF COMPANIES INVOLVED. ALSO, CENTRE SHOULD MAKE IT CLEAR TO FIRMS THAT THEY WERE NOT OBLIGATED TO SUPPLY REQUESTED INFORMATION, PARTICULARLY PROPRIETARY DATA. SOME SPEAKERS BELIEVED IT INAPPROPRIATE TO SUPPLY CENTRE WITH CERTAIN KINDS OF DATA, E.G., DETAILS ON INDIVIDUAL TAX RETURNS AND INVESTIGATIONS OF TRANSFER PRICES IN INDIVIDUAL CASES. SIMILARLY, NO PRECISE DETAILS SHOULD BE REQUESTED ON CONTRACTS BETWEEN TNCs AND GOVERNMENTS OR DOMESTIC COMPANIES. SWEDEN AND OTHERS ALSO STRESSED NEED TO KEEP PROPRIETARY INFORMATION CONFIDENTIAL.

13. US DEL STRONGLY SUPPORTED THESE VIEWS URGING CENTRE TO CONCENTRATE ON COLLECTING ONLY, THOSE TYPES OF INFORMATION THAT WOULD BE USEFUL TO TNCs SPECIFIC TASKS. ALSO, UNDERLINED NEED FOR CENTRE TO KEEP PROPRIETARY INFORMATION CONFIDENTIAL WHICH HE DESCRIBED AS DIFFICULT JOB. INSISTED COMPANIES HAVE OPPORTUNITY TO VIEW AND COMMENT ON DATA COLLECTED ON THEM. ASKED THAT CENTRE APPROACH FIRMS ONLY AFTER CONTRACTS WITH GOVERNMENTS. CHASTISED CENTRE FOR SETTING UP ACCOUNT GROUP WITHOUT PRIOR CONSULTING WITH GOVERNMENTS. POINTED OUT FACTUAL AND LEGAL ERRORS IN CENTRE REPORT RE CORPORATION LAWS IN US AND ILLUSTRATING NEED FOR BETTER INER-SESSIONAL LIAISON. LIMITED OFFICIAL USE

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JAPAN AGREED WITH EC AND US COMMENTS

13. MOST COMMENTS FROM LDCs SUPPORTED ESTABLISHMENT AT EARLY DATA OF LARGE INFORMATION SYSTEM AS IMPERATIVE FOR EFFECTIVE EXECUTION OF UNTNC MANDATE STATING THAT LIMITED FUNDS NOT BE ALLOWED TO IMPEDE THIS WORK, SOME DELEGATES, AND SAHLGRE, APPEALED FOR MORE VOLUNTARY CONTRIBUTIONS, *49. "AFFLUENT" COUNTRIES. ALGERIA NOTED COUNTRIES SHOULD AVOID BLANKET STATEMENTS AND SPECIFY TYPES OF DATA THEY DID NOT WISH THEIR FIRMS TO DISCLOSE. REJECTED SUGGESTION THAT REQUESTS FOR DATA BE PASSED THROUGH GOVERNMENTS SINCE THAT WOULD RESULT IN UNACCEPTABLE DELAYS. INDIA FELT THAT INFORMATION WHICH MIGHT COMPROMISE COMPETITIVE POSITION OF CORPORATIONS BE KEPT CONFIDENTIAL, BUT FELT THAT DETAILED DATA ON EMPLOYMENT, LABOR CONDITIONS, AND RESEARCH AND DEVELOPMENT WERE VERY IMPORTANT TO COMMISSION'S WORK.

14. AMONG THE SOCIALIST COUNTRIES, USSR SAID CENTRE'S INFORMATION SYSTEM ON TNCS SHOULD BE COMPACT AND LOW IN COST. UNTNC'S PRIORITIES MUST DETERMINE PRIORITIES OF INFORMATION SYSTEM WHICH SHOULD AID IN PREPARING CODE FOR TNCS AND NOT FUNCTION TO SERVE INTERESTS OF CORPORATIONS. THIS WAS SUPPORTED BY BULGARIA WHICH FELT THAT CENTRE FACED DIFFICULT JOB IN ASSEMBLING INFORMATION ON TNCS BECAUSE LATTER WOULD NEITHER BE WILLING NOR COULD BE EXPECTED TO FURNISH INFORMATION ON STRENGTHENING NEGOTIATING CAPACITY OF PARTNERS.

15. PROFOUND PERSONS REPLIED TO WRITTEN QUESTION BY UK ON FEASIBILITY OF SUPPLYING CERTAIN TYPES OF INFORMATION ON TNCS. TACKLE OF SIEMENS, GERMANY, URGED CENTRE STRIVE FOR COLLECTION OF OPTIMUM, NOT MAXIMUM AMOUNT, OF INFORMATION AND THAT DATA SHOULD BE RELEVANT. PROF. KOJIMA, HITOTSUBASHI UNIVERSITY - JAPAN, SPOKE ON HIGH COSTS OF CENTRE'S DATA COLLECTION EFFORTS RELATIVE TO BENEFITS DERIVED. LIMITED OFFICIAL USE

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16. JACQUES MAISONROUGE, CHAIRMAN OF COMMISSION ON TNCS OF INTERNATIONAL CHAMBER OF COMMERCE, EXPRESSED HOPE THAT UNTNC WOULD GIVE CONSIDERATION TO OECD'S GUIDELINES ON INFORMATION, POINTING OUT THAT VOLUNTARY CODE WOULD BE SO MORALLY PERSUASIVE THAT NO TNC COULD AFFORD TO IGNORE IT. INTERNATIONAL CONSUMER REPRESENTATIVE DOROTHY WILMER PROPOSED THAT ISSUE OF PROPER PRODUCT LABELLING BE INCLUDED IN GOVERNMENT-TNC NEGOTIATIONS AND THAT SENIOR ADVISORS ON CONSUMER PROTECTION BE TRAINED IN LDC REGIONAL WORKSHOPS AND SEMINARS.

17. IN CLARIFICATION OF EARLIER REMARKS, CENTRE RESEARCH DIRECTOR ASSURED THAT CENTRE WILL ORGANIZE ITS WORK AS DEFINED BY COMMISSION. DATA TO BE COLLECTED WILL BE DIRECTLY RELATED TO PURPOSES FOR WHICH THEY ARE SOUGHT, AND DATA MUST SERVE REQUIREMENTS OF UN MEMBERS GOVERNMENTS. ASKED COMMISSION TO IDENTIFY CLEARLY ITEMS TO BE INCLUDED IN CENTRE'S INFORMATION SYSTEM. CONCLUDED WITH REMARK THAT PRESERVATION OF BUSINESS CONFIDENTIALITY IS A MATTER OF ATTITUDE ON PART OF TOP MANAGEMENT ON WHAT IT WANTS DISCLOSED, BUT THAT CENTRE HAS NO AUTHORITY TO REQUEST OTHER THAN VOLUNTARY INFORMATION.

18. COMMISSION WILL CONTINUE MONDAY, MAY 2, WITH DISCUSSION OF TNC ACTIVITIES IN SOUTHERN AFRICA AND EXTENT OF THEIR COLLABORATION WITH ILLEGAL REGIMES. (REF. B).

19. IN LUNCHEON CONVERSATION WITH FASLA (ALGERIA) RUBIN

SUGGESTED THAT CHAIRMAN OF 4TH SESSION MIGHT BE A WEO
FASLA RESONABLY RECEPTIVE, SUGGESTING HOWEVER POSSIBILITY
CHAIRMAN FROM SOCIALIST BLOC AND REPORTEUR FROM WEO.
RUBIN FELT WEO CHAIRMAN MORE APPROPRIATE.
LEONARD

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